

Community Council Charter

The Kachemak Bay Research Reserve *A Unit of the National Estuarine Research Reserve System*

This Charter defines the partnership between the Kachemak Bay National Estuarine Research Reserve and the Community Council (herein referred to as “Council”), which is dedicated to providing recommendations that will aid in the growth and progress of the Research Reserve’s programs. The mission of the Reserve is *to enhance understanding and appreciation of the Kachemak Bay estuary and adjacent waters to ensure that these ecosystems remain healthy and productive.*” The success of the Council-Reserve partnership is critical for the Reserve to fulfill its mission.

I. Introduction to the Reserve

In 1972, as part of the Coastal Zone Management Act, Congress charged the National Atmospheric and Oceanic Administration (NOAA) with establishing and administering the National Estuarine Research Reserve (NERR) System. As part of this System, estuaries around the country are designated as National Estuarine Research Reserve sites to represent different regions and estuarine types. Each Research Reserve is administered through a memorandum of understanding between a state agency where the Reserve is located and NOAA. The Reserves are responsible for conducting research and providing educational and interpretive services. Collaboration with local communities is one of the main thrusts of the National Estuarine Research Reserve program. NOAA designated the Kachemak Bay National Estuarine Research Reserve, also known locally as the Kachemak Bay Research Reserve and hereafter referred to as the “Research Reserve” or “Reserve”, on February 12, 1999. The Alaska Department of Fish and Game, Sport Fish Division, administers the Reserve, in a manner consistent with the National Estuarine Research Reserve System and the approved Management Plan.

The Kachemak Bay NERR encompasses 365,000 acres of diverse waters and lands. Kachemak Bay represents one of the most productive, diverse, and intensively used marine/estuarine environments in Alaska.

II. Council Purpose

The Bay’s watershed is home to people with a diversity of interests and perspectives and plays an integral role in their lives. The establishment of Kachemak Bay as a NERR site expands the scope of interested parties to include statewide and national research and education endeavors. Effective communication with all of these entities is critical to the Reserve’s successful operation. The primary purpose of the Reserve Community Council shall be to provide an organized structure for substantive and meaningful dialogue and recommendations between agencies, local governments, researchers,

environmental educators, conservation groups, and others interested in natural science research and education and Research Reserve staff.

III. Council Roles

1. The Council's role shall be to provide recommendations to the Reserve regarding the Reserve's Research and Education programs, including:
 - * Recommending priority research and monitoring needs, including those that are relevant to local issues of concern;
 - * Recommending priority education and interpretive needs, including those that are relevant to local issues of concern;
 - * Identifying opportunities for collaborations;
 - * Advising on research and education facilities; and
 - * Annually reviewing Reserve programs.
2. The Council shall recognize the non-regulatory nature of Reserve programs in all of its activities.
3. Other roles for the Council may be collaboratively developed between Reserve staff and the Council.
4. The Council shall recognize that research conducted through the Reserve must be objective and able to pass scientific peer review.
5. The Council shall recognize that the thrust of the Reserve's education programs is to collaborate with and support existing programs, while developing new initiatives to fill education gaps.
6. The Council shall establish a Research Committee and an Education Committee, and shall assign work to those committees consistent with roles reflected in the Management Plan. The Council and the Committees will implement these roles collaboratively. The Committees will report to the Council, which will present recommendations to the Reserve.

IV. Council Membership

1. The Reserve must be responsive to a broad base of interests, including all of those outlined in the Management Plan. The Council will represent these broad interests as much as possible. In addition, Council representation will be balanced to provide equitable representation of interests on the Council.
2. The Council shall consist of not more than nine (9) community members, who strive to embody the following interests and perspectives. ***Members will be sought who encompass more than one perspective and/or interest:***
 - * Education
 - * Research
 - * South Side of Kachemak Bay
 - * North side of Kachemak Bay
 - * Regional Perspective (outside of Kachemak Bay watershed)
 - * Post-secondary Institutions
 - * Commercial Fishing
 - * Recreation and Tourism
 - * Sport Fishing
 - * Local Businesses
 - * Conservation Groups
 - * Native Alaskans
 - * Oil Spill Management and Response
 - * Industry/Business
 - * Subsistence/ Personal Use Harvesting
 - * Local Government
 - * Citizens at large
3. The Reserve also seeks recommendations from the following governments and agencies, which shall be included on the Council as non-voting members.
 - * Kenai Peninsula Borough, Coastal Zone Management Program
 - * Alaska Department of Fish and Game, Homer office (Divisions of Sport Fish, Commercial Fisheries and Wildlife Conservation)
 - * Alaska Department of Fish and Game, Sport Fish Division, Kachemak Bay/Fox River Flats Critical Habitat Areas
 - * Alaska Department of Natural Resources, Kachemak Bay State Park
 - * Alaska Department of Natural Resources, other
 - * Alaska Department of Environmental Conservation
 - * US Coast Guard
 - * US Environmental Protection Agency
 - * US Fish and Wildlife Service, Alaska Maritime National Wildlife Refuge
 - * US Fish and Wildlife Service, Kenai National Wildlife Refuge
 - * University of Alaska Anchorage
 - * NOAA, NCCOS, Kasitsna Bay Laboratory
 - * National Park Service, Lake Clark National Park and Preserve

V. Council Member Selection

1. The member selection process must be clear, fair, and balanced.
2. Government Agency members shall be appointed by their agency or entity.
3. The extant Council will assess the current Council make-up, seek nominations to maintain a broad-based Council, and nominate future Council members. Whenever possible, and contingent upon the availability of qualified applicants, two nominations for each Council seat will be forwarded to the Director of Sport Fish Division who will make the final appointment.
4. Candidates for Council membership should be able to present and review information impartially, listen to and understand others' points of views. Prospective Council members should be familiar with some of the social and economic aspects of the communities in the Kachemak Bay watershed, have some relevant experience with at least one of the interest areas outlined in Section IV of this charter, and be interested in the Reserve's programs.
5. Notice of available council seats and solicitation of applications shall be published on the KBRR website for four full weeks prior to nominating new council members. Public service announcements regarding vacancies on the Council will be submitted to local print and radio media outlets for a two-week period.
6. Persons interested in being on the Council should submit an application form, an example of which is included as Appendix A of this Charter.

VI. Council Member Terms

1. Governmental agency members will serve at the discretion of their agency or entity and do not have a term limit.
2. Council members will be appointed for a term of two years and may be re-appointed. If necessary, terms of appointment may be changed to provide for balanced (staggered) expiration dates.
3. If a Council member resigns, the Council shall whenever possible, and contingent upon the availability of qualified applicants, nominate two applicants for the position. The Director of Sport Fish Division will select one of the two nominees.

Vacancy appointments are for the remainder of the unexpired term of the vacancy.

4. A member who fails to attend three consecutive meetings, without an excused absence or absence for good cause, can be formally removed from the Council and the position opened for nominations for a new representative.

VII. Council Operations and Administration

1. The Council shall elect one member to serve as the Chair and one member to serve as Vice-Chair. Election of these positions is by majority vote of all (voting and non-voting) Council members. Members who will not be present at the time of the election may submit their nominations to the Reserve Council staff in writing prior to the meeting.
2. The operations of the Research Committee and the Education Committee will be determined by the Council, within the bounds of this charter and using the following guidelines:
 - a. The topics the Committees address will be determined by the Council in keeping with the roles identified in Section III of this Charter, and further detailed by the Council.
 - b. At least two Council members will sit on each Committee.
 - c. The Council shall establish criteria for selecting Committee members. Those criteria should include having professional researchers and educators, as well as lay-people, on the Committees in order to foster broad-based dialog.
 - d. The procedures for selecting Committee members will be determined by the Council.
 - e. Committee chairs or their designee will present an oral report of committee activities conducted since the previous Council meeting.
3. When providing recommendations to the Reserve, the Council shall strive for consensus, but shall use majority vote if consensus cannot be achieved.
4. A quorum of 5 voting Community Council members is necessary to take action. The Council member can be present at the meeting or teleconferenced in.
5. Meetings will be held at the call of the Council Chair in coordination with Reserve staff.
6. The Council shall meet as frequently as necessary, and at least once every three months.
7. All Council and Committee meetings will be open to the public.

- 8.** Members of the public shall be permitted to present oral or written statements on any item on the agenda, or present items for inclusion on the Council agenda.
- 9.** Notice of each Council meeting, including the time, place and agenda, shall be published two weeks prior to the meeting on the KBRR website. Public service announcements regarding upcoming Council meetings will be submitted to local print and radio media outlets. Additional notice may be given by such other means as will result in appropriate publicity to interested groups and individuals.
- 10.** The Reserve will dedicate up to the equivalent of one half-time staff position annually for the purposes of assisting the Council, including taking the attendance at Council meetings, taking and distributing the minutes of Council meetings, recording official votes, preparing public notice announcements for Council and Committee meetings, and providing information that is reasonably necessary for the Council to carry out this charter in a timely way. Minutes and reports shall be available to the general public.
- 11.** Members of the Council and Committees shall serve without pay. Travel funds for Council members may be available at the discretion of the Reserve.
- 12.** Council or Committee members shall identify potential conflicts of interest that might result in financial gain to the member resulting from actions the Council might take. The Council or Committee shall decide if the conflict requires that the member recuse himself or herself from any action on that matter, including discussion.
- 13.** The Council and the Reserve shall collaboratively develop guidelines for communications between the Reserve and the Council-and for communications with other agencies, organizations and individuals.
- 14.** The Reserve Manager shall respond to Council recommendations either verbally or in writing.
- 15.** The organization and processes used to structure the Council shall be reviewed initially after the Council has been in operation for one year, and thereafter every three years. The Council and the Reserve shall collaboratively engage in review of the Charter.
- 16.** If the Council and the Reserve determine that changes to the Charter are necessary, then the Council and the Reserve shall work collaboratively to make the necessary changes. Revisions to the Charter must go through the public review process.